

Misbranding of the article was alleged in the libel for the reason that the use of the serial number on the bottle label was false and misleading, and for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding was alleged in substance for the further reason that certain statements upon the carton and bottle and in the accompanying circular, regarding the curative and therapeutic effects thereof, to wit, (carton) "For Blood Diseases Tydings' Remedy or 'Turpentine Man's,'" (bottle) "'Turpentine Man's' or Tydings' Remedy For Blood Diseases of all Kinds and Rheumatism," (circular) "'Turpentine Man's,' or Tydings' Remedy for blood diseases * * * What it is for * * * in restoring and invigorating the whole system; in renovating and enriching the blood; in giving an appetite and a tone to the stomach, in relieving Pock, Scrofula, Scrofulous Humors, Scald-head, Syphilitic affections; Ringworm, Salt Rheum, Boils, Pimples and Humors on the face, Catarrh, Headache, Dizziness, Faintness, Sick Stomach, Constipation, Pains in the Back, and many Female Diseases, General Debility and Rheumatism, and diseases arising from an impure state or low condition of the blood * * * 'Turpentine Man's,' or Tydings' Remedy is designed to act on the blood and through that upon all the organs and tissues of the body. It also has a special action upon the secretions and excretions, and assists Nature to expel from the System all Humors, impure particles and effete matter through the Lungs, Kidneys, the liver and skin. It positively aids and strengthens weak and impaired and debilitated organs; Invigorates the nervous system; tones and strengthens the digestive organs, and imparts new life and vigor to all the organs of the body," were false, fraudulent, and misleading in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 6, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8991. Adulteration and misbranding of cocoa. U. S. * * * v. 70 Pounds * * * 164½ Pounds * * * and 19 Packages of Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 10629, 10630, 10631, 10632, 10633, 10634. I. S. Nos. 15784-r, 15785-r, 15786-r, 15787-r, 15788-r, 15789-r. S. No. E-1545.)

On June 17, 1919, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 70 pounds of cocoa in ½-pound packages, 164½ pounds of cocoa in ¼-pound packages, and 19 packages of cocoa of ½ pound each, remaining in the original unbroken packages at Martinsburg, W. Va., alleging that the article had been shipped on or about March 27, 1919, by the National Cocoa Mills, New York, N. Y., and transported from the State of New York into the State of West Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "My Own Cocoa Valuable Premiums Gold Medals My Own Pure Cocoa The Cocoa contained in this package is Positively High Grade * * *," (stamped on side in illegible type) "My own cocoa compound containing cocoa, sugar, corn starch," (marked, as the case may be, either) "Net Weight ½ pound" (on the packages labeled as containing ½ pound, or) "Net Weight ¼ pound" (on the packages labeled as containing ¼ pound).

Adulteration of the article was alleged in substance in the libel for the reason that the substances starch and sugar had been mixed and packed [with, and substituted] wholly or in part for, cocoa, and for the further reason that said article was mixed in a manner whereby damage and inferiority in the quality thereof were concealed, the inferiority thereof being concealed by reason of the said packages being labeled with the word "Cocoa" in prominent letters upon the front and back panels of the pack-

ages, and with the words "Pure Cocoa" on each side panel of said packages, in very conspicuous type, and being labeled further by the words "The cocoa contained in this package is positively high grade," in conspicuous type, whereas there was no mark or statement stamped upon said packages in any legible manner to show the extent to which the contents of such packages were adulterated or impure, and the only statement stamped upon said package being a statement in illegible type for the purpose of deceiving any prospective purchaser thereof as to the true contents of the said package, said illegible words being in an inconspicuous position upon said packages, as follows, "My own cocoa compound containing cocoa, sugar, corn starch," and the conspicuous label aforesaid upon said packages not being sufficiently corrected by the said inconspicuous statement aforesaid so as to give a purchaser true information as to the adulterated character of the article contained in said packages.

Misbranding was alleged for the reason that the conspicuous statements contained as aforesaid on said packages were false and misleading, and intended to deceive purchasers, and for the further reason that said article was an imitation of, and was offered for sale under the distinctive name of, pure cocoa, when the same was not pure, but was adulterated as hereinbefore set out. Misbranding was alleged for the further reason that the packages contained food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package as to their respective true weights.

On October 1, 1920, no claimant having appeared for the property, an order was entered by the court finding the same adulterated and misbranded and ordering its destruction by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8992. Misbranding of Santal Midy. U. S. * * * v. 5 Dozen Packages of Drugs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10656. I. S. No. 15798-r. S. No. E-1571.)

On June 25, 1919, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 dozen packages of drugs, labeled in part, "Santal Midy * * * Capsules of 25 Centigrams of Mysore (E. I.) Sandal-wood Oil Distilled by Midy's Process. Bottled in the New York Laboratories of Dr. Ph. Chapelle * * * L. Midy, Pharmacien de 1re Classe Paris Dépôt Dans Les Principales Pharmacies Dr. Ph. Chapelle Ancienne, Maison Grimault & Cie, 8, Rue Vivienne Paris Contents 40 capsules * * *," remaining unsold in the original unbroken packages at Clarksburg, W. Va., alleging that the article had been shipped on or about April 17, 1919, by E. Fougera & Co., New York, N. Y., and transported from the State of New York into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended. The bottles containing the article were labeled in part: "Santal Midy * * * Capsules of 25 Centigrams of Mysore (E. I.) Santal-Wood Oil Distilled by Midy's Process. Bottled in the New York Laboratories of Dr. Ph. Chapelle * * * L. Midy Pharmacien de 1re Classe Paris Dépôt Dans Les Principales Pharmacies Dr. Ph. Chapelle Ancienne, Maison Grimault & Cie, 8 rue Vivienne Paris. Contents 40 Capsules."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the contents of the capsules averaged 20.6 centigrams and consisted of santal oil.

Misbranding of the article was alleged in the libel for the reason that the above-quoted labeling was false in that the average net weight of the contents of each of the capsules was 20.6 centigrams. It was alleged that said labeling was further false and misleading in that the statement in French, quoted above, indicated that the article was a foreign product, whereas, in truth and in fact, it was not a foreign product, but was a domestic product, and which said false statement was not sufficiently corrected by the statement on the said label in inconspicuous type, "Bottled in the New